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MARYLAND AS A PALATINATE

MARYLAND AS A PALATINATE

BY

CONSTANCE LIPPINCOTT

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Introduction

(1) Definition of a Palatinate:

ACCORDING to the Century Dictionary, a palatinate is the dominion of a count palatine.[1] In England, an earl or count palatine had royal jurisdiction in his province; all tenants-in-chief held of him; he had his own courts, took proceeds of jurisdiction, and appointed his own sheriff.[2]

(2) Historical Instances of the Palatinate:

THOUGH the word palatinate is of Latin origin, and was first used in France, it is to the Teutonic peoples that we must look for the fullest development of this form of government.

(*a*) In Europe, we find the Rhenish palatinates, and the counties palatine of both England and Ireland, the best known of which are Durham, Chester,

[1] Century Dictionary, vol. v., under "palatinate" and "palatine."
[2] Larned's History of Ready Reference, vol. iv. p. 2411.

and Lancaster. In England, Durham alone retained its ancient privileges and government for any length of time, owing perhaps to the fact that its ruler, being a bishop, could not found a feudal family, and therefore was less apt to excite the king's jealousy. That the Bishops of Durham had quasi-regal powers in their palatinate is without doubt, but the king found many ways in which he could encroach on and limit their privileges.[1]

(*b*) Durham: There are many theories as to the origin of the Durham palatinate, three of which are well worth noticing: two of them trace its origin to the deliberate act of one of the English kings, probably Alfred or William the Conqueror; the third looks on it as a growth not complete until the thirteenth century, but a survival of local independence in the ancient kingdom of Northumbria.[2] The latter theory is the one accepted by Lapsley in his work on Durham. Fiske inclines to the theory that Durham was founded by William I. to defend the border. This last theory is the one generally accepted. The bishop was at the height of his power between the years 1300 and 1400.[3]

The bishop, as the head of the civil government, had the appointment of all the civil officers, and the

[1] Fiske's Old Virginia and her Neighbors, vol. i. p. 276.
[2] Harvard Historical Studies, vol. viii.
[3] Lapsley's County Palatine of Durham.

right to all lands forfeited in his province for whatsoever cause. Many disputes with the clergy occurred through his being both temporal and spiritual lord.[1] It was the bishop's duty to keep the peace in his province and to punish and pardon malefactors. He had no right to make treaties or even to enter into direct communication with foreign powers, though this was often done with regard to Scotland.

In Durham, all land was held immediately of the bishop and not of the king.

The bishop had admiralty rights in his province: patrolling the coast was entrusted to him. He also had the privilege of staying procedure,[2] and could suspend the execution of the law.

The king checked and limited the bishop's supremacy both in the regular course of the law and in the exercise of the royal prerogative.[3] The fact that the bishop's office was elective, and therefore depended to a great extent on the king, further limited his authority.

Palatinates were not, however, confined to the Old World: In America, besides Maryland, there were Avalon, Georgia, the Carolinas, Pennsylvania, and Delaware.

(*c*) Avalon: Avalon, in Newfoundland, was granted

[1] Lapsley's County Palatine of Durham, p. 52.
[2] Harvard Historical Studies, vol. viii.
[3] Ibid.

to George Calvert, first Lord Baltimore, by James I. in 1624. The grant of Avalon is important, for on its charter the charter of Maryland was modelled.[1] Avalon was to be held *in capite* by knight's service, probably the last instance by that tenure on record.[2] After the death of James I., Baltimore himself went, with his family, to his new colony, but the climate and troubles with the French forced him to give it up after having spent thirty thousand pounds on it.[3]

(*d*) Georgia and the Carolinas: These were at first proprietary colonies, but bad government soon induced them to put themselves under the direct sway of the crown.[4]

(*e*) Pennsylvania and Delaware: Pennsylvania, under which head Delaware is included, was more fortunate, and remained a well-governed palatinate down to the Revolution. The government of Pennsylvania differed slightly from that of Maryland in that there was no upper house in the assembly: the council only advised the governor and took no part in legislation.[5] As Pennsylvania was established later than Maryland, the king was careful to limit the

[1] Browne's Maryland: The History of a Palatinate, pp. 7 and 8.
[2] Ibid.
[3] Ibid.
[4] Fiske's Old Virginia and her Neighbors, vol. i.
[5] Fiske's Civil Government in the United States.

powers of its proprietary, and make it more dependent on the crown.[1]

(*f*) Maryland—its Foundation: In 1633 Charles I. granted to Cæcilius Calvert, second Lord Baltimore, a strip of land lying to the north of Virginia and bordering on the Chesapeake Bay, extending inland indefinitely. Lord Baltimore, being a Catholic, wished to found a colony which would serve as a harbor of refuge to his oppressed co-religionists. The only way for him to accomplish his purpose without antagonizing the Protestant home government was to establish religious freedom. The colonists enjoyed freedom of worship under a beneficent but firm government until 1692, when Maryland became a crown colony.

In 1634 the first colonists were sent out under the leadership of Leonard Calvert, the younger brother of the lord proprietor. They landed and made a settlement at St. Mary's, honorably buying the land from the Indians. The early history of Maryland is uneventful, save for quarrels with Virginia and marked growth in wealth and population. Good government and peace were of course the chief factors in this growth, but immigrants seeking a refuge from religious persecution considerably increased the population.[2]

[1] Columbia Studies, vol. vi.

[2] Fiske's Old Virginia and her Neighbors, vol. i. p. 269.

The colony was governed by a governor, his council, and an assembly, consisting of the freemen of the province. The legislature consisted of an upper and a lower house: the members of the upper house, as also the governor, were appointed by the lord proprietor; those of the lower were elected, thus securing what is dearest to the Anglo-Saxon race,—representative government. Another safeguard to the liberties of the freemen was the fact that all taxation originated in the lower house.

(*g*) Advantages in this Form of Government and Reason for its Establishment in America: The English border counties of Chester, Durham, and Lancaster were subject to sudden invasions from Wales and Scotland. In those days of slow travel it was impossible to communicate with the central government in time to secure help to repel such invasions. The ruler of the county had, therefore, to have power to raise militia and declare martial law. As conditions in America were very similar, the palatinate form of government was thought to be the most suitable. As Maryland was situated in the heart of the enemy's country, at a distance of three thousand miles from the central government, it was imperative that the governor should have a free hand. The king granted, and could afford to grant, more privileges to the proprietary of Maryland than he could to the rulers of the counties palatine of England. Durham was forced

to pay a certain tax to the royal treasury, levied and collected by the bishop as he saw fit,[1] whereas Maryland was entirely exempt from imperial taxation. All that was required of Lord Baltimore was a formal acknowledgment of the king's over-lordship,—the presentation of two Indian arrows every year at Windsor. The king was also entitled to one-fifth of the gold, silver, and precious stones mined in the province, which afterwards proved a barren right. The chief difference between the palatinates of Durham and Maryland lay in the fact that the latter had popular representation, while the former had not.

[1] Harvard Historical Studies, vol. viii.

MARYLAND AS A PALATINATE

Characteristics of Maryland

(1) Charter:

THE charter of Maryland is substantially the same as that of Avalon, changed only so far as was necessary to suit the new province.[1] In the lord proprietor were vested almost regal powers: he could declare war and peace, call the fighting population to arms and declare martial law, erect towns, cities, and ports, levy tolls and duties, establish courts of justice, appoint judges, magistrates, and other civil officers, execute the laws, and pardon offenders. Furthermore, he could erect manors, with courts-baron and courts-leet, also confer titles of nobility, provided they differed from those of England. The initiative rested at first with him,—that is, he could make laws with the assent of the freemen of the province; but later this was reversed,—the freemen made laws subject to the lord proprietor's veto.

In cases of emergency he could make ordinances not impairing life, limb, or property without the assent of the freemen. He was empowered to found

[1] Bacon's Translation of Maryland Charter; Browne's Maryland: The History of a Palatinate.

churches and chapels, and to have them consecrated according to the ecclesiastical laws of England, and to appoint the incumbents. The lord proprietor was absolute lord of the land and water within his boundaries, and all metals and precious stones mined in the provinces belonged to him, with the exception of one-fifth, which belonged to the king. All writs ran in the name of the proprietary, and not in that of the king. There was practically no limit to the proprietary's authority, and had the Calverts not been wise and just the colony's history would have been very different from what it is.

(2) The Naming of Maryland:

LORD BALTIMORE wished to name his province Crescentia, whether as an auspicious omen for future progress or not we do not know; but, desirous of pleasing the king, he asked him to suggest a name. Charles suggested Mariana, but Lord Baltimore objected on the ground that it was the name of a Spanish Jesuit who had written against monarchy. Finally, *Terra Mariæ* was chosen, and its anglicized form, Maryland, became the name of the province, and is the name of the state to-day.[1]

[1] Browne's Maryland: The History of a Palatinate; Scharf's History of Maryland, vol. i. pp. 51 and 52.

(3) The Origin of Maryland Law:

AS the initiative in legislation was, by the charter, vested in the lord proprietor, he, soon after the foundation, sent out a code of laws. This code was rejected by the freemen, and things were at a dead-lock. The freemen could make no laws, and they would not accept those made by the proprietary. In the meantime the province was without laws, and the common law of England was in force. A code of laws was formed by the freemen and the proprietary's assent obtained. Life, member, or freehold could not be taken away except by some express law of the province; but in all other cases the common law, when not superseded by the laws of the province, was to be applied by the judges, so far as they found no inconvenience in its application.[1]

In many respects the royal government was a disadvantage to Maryland; but one great thing it did do,—*i.e.*, had the laws thoroughly revised and formed into an almost complete code, which is to-day the source from which the state laws are drawn. The colonists were always inclined to hold on to the common law of England; still, they did not draw the line very sharply between the common and the statute law when the provincial law was silent.[2]

The legal system of Maryland was simpler and

[1] McMahon's History of Maryland, p. 113.

[2] Browne's Maryland: The History of a Palatinate, p. 204.

better than that of Virginia.[1] There were county courts, holding quarterly sessions, with a bench of magistrates competent to try cases involving not more than forty shillings. These magistrates were appointed and removed at pleasure by the governor, and were chosen from among the leading men of the province, no legal knowledge being necessary.[2] The provincial court, sitting twice a year at Annapolis, transacted all the important legal business of the colony. Its judges were also appointed by the governor, but they were required to have a certain amount of legal knowledge.[3] A high court of appeals and a court of chancery also existed, both of which were composed of the governor and his council, in his capacity of chancellor of the province. The business of the provincial court was large, and this tended to create a much better class of lawyers than in Virginia. That this was actually the case we know, as we find in the ranks of this profession many men of ability and position.[4]

(4) Land Tenure:

THE system of land tenure was modelled on feudal lines, and it seems to have worked very well. As the proprietary was the owner of every square inch of ground in the province, he was universal landlord,—all tenants-in-chief

[1] Lodge's History of the English Colonies in America, p. 115.
[2] Ibid. [3] Ibid. [4] Ibid.

held of him, and, indirectly, the sub-tenants too. The services rendered by the tenant to the landlord in acknowledgment of the grant were of so free, determinate, and pacific a character as to effectually prevent undue exaction.[1] The chief source of the proprietary's revenue was land grants, consisting of quit-rents, caution money paid at time of grant, and alienation fines, including fines upon devises.

(a) *Quit-Rents:* Quit-rents were annual rents to be paid from year to year by the owner of the land granted in acknowledgment of the tenancy.[2] In the early years of the colony the rent was payable in wheat, but after 1635 in money or the commodities of the province, just as the proprietary wished. The scarcity of money made this peculiarly burdensome to the colonists, so in 1671 payment in tobacco was accepted. As these rents were the private property of the proprietary, the returns of the collectors are not found in the public records, and it is therefore very difficult to ascertain the amount of revenue derived from them. After 1733 more regularity in collecting was observed, and there are in existence several "debt-books" of this period.[3] These books specified the rent due by each person and the lands on which it accrued. From these debt-books we learn that in 1770 the gross amount of quit-rents was eight thousand four

[1] McMahon's History of Maryland, p. 168.
[2] Ibid., p. 169. [3] Ibid., p. 171.

hundred pounds, and when we deduct the expenses of collection, seven thousand five hundred pounds was all that went to the proprietary.[1]

(b) *Caution Money:* The system of purchase upon payment of caution money was not known in the early days of the colony: every person coming into the colony was entitled to a certain amount of land, paying only a moderate quit-rent. The more people he brought with him, the more land he was given, proportionately to the age and sex of those whom he brought. When the population and wealth of the colony had increased sufficiently to render these inducements to settlers unnecessary, the system of granting lands on the payment of caution money was introduced, and it prevails to this day.[2] The amount of caution money was regulated by the proprietary, and varied at different periods, though at all periods it must have been a considerable source of revenue.

(c) *Manors:* By the nineteenth clause of the charter[3] the lord proprietor was privileged to erect manors, with courts-baron and courts-leet. In 1641 it was enacted that the grant of a manor should be the reward of every settler who brought with him

[1] McMahon's History of Maryland, pp. 171, 172, and 177.
[2] Ibid., p. 173.
[3] Bacon's Translation of Charter as found in Bozman.

from England twenty able-bodied men, well armed. In this we have the key to Lord Baltimore's main object in erecting manors,—the military defence of the province.[1]

The manorial system was well adapted to secure liberty and order in rural communities before the days of dense population and rapid communication.[2] The *court-baron* was held by the lord of the manor for the purpose of trying controversies relating to manor lands, trespasses, alienations, reliefs, metes and bounds, and other minor matters.[3] Here, also, the tenant did fealty for his land or received seisin.[4] The *court-leet* was a popular court held by the bailiff or steward, and composed of all freemen living on the manor.[5] In the court-leet judicial and legislative functions were united: in its legislative capacity it enacted by-laws, elected constables and bailiffs; in its judicial capacity it empanelled its jury, and, with the steward of the manor presiding as judge, it fined or imprisoned thieves, vagrants, poachers, and fraudulent dealers.[6] An old record of courts-baron and courts-leet held at St. Clement's Manor from 1659 to 1672 serves to show that these functions were actually exercised. In it cases for assaults, appropriations of

[1] Fiske's Old Virginia and her Neighbors, vol. i.
[2] Ibid.
[3] Browne's Maryland: The History of a Palatinate, p. 177.
[4] Ibid.
[5] Ibid., p. 177; Fiske's Old Virginia and her Neighbors, vol. i.
[6] Fiske's Old Virginia and her Neighbors, vol. ii. p. 148.

wild hogs, keeping unlicensed ale-houses, trespasses, thefts, etc., are mentioned. The "King of Chaptico" is tried for pig-stealing, metes and bounds are looked into, constables appointed, leases examined, reliefs upon alienation presented, and the doings of Indians looked after.[1] This is the only instance on record of the trial of a king by a manorial court.[2]

(5) People and Life of Colonial Maryland:

THE early settlers of Maryland were divided as follows: the upper and middle classes, composed of planters, farmers, and merchants, the poor whites and freedmen, and the servile class.

(a) *The Upper Classes:* The people of Maryland were practically all planters, living a free, healthy, out-of-door life. They were, as a whole, industrious, prosperous, and shrewd, but the wealthy planters were indolent, caring for little but fox-hunting, horse-racing, cock-fighting, dining, and gaming. Card-playing was also very popular, and scarcely a night went by without a dance at one of the country-houses.[3] "Great entertainments signalized the days

[1] Browne's Maryland: The History of a Palatinate, p. 178.
[2] Ibid.
[3] Lodge's History of the English Colonies in America, pp. 125–127.

of St. George, St. Patrick, and St. David.[1] According to Eddis, there was also a local pseudo-saint, St. Tamina, for whom bucks' tails were worn in caps on the first of May, and whom the frolicsome young people delighted to honor."[2] St. Tamina had a society founded in her honor which gave balls and masquerades. The gayety and fashion of the colony centred at Annapolis. Here there were a jockey club, annual races, a South River Club, with a club-house for fishing-parties and picnics, assemblies once a fortnight, and grand balls given by the governor. On the birth-night of the king and the proprietary, or to celebrate a great victory, there were general feasting and merry-making, illuminations, and processions, in which all joined, with a Punch and Judy show for the populace. Excursions down the bay were a favorite diversion. Marriages were celebrated at the house, and were succeeded by dancing, supper, and cards.[3] One of the chief features of Annapolis was the theatre. The first professional dramatic performance was given at Annapolis, and there the first theatre was built.[4] The first play-bill ever printed in America is to be found in the *Maryland Gazette*, July 2, 1752, announcing that "by permission of his honour, the president, at the new theatre in Annapolis, by the company of comediens on Monday

[1] International Review, June, 1880, vol. viii. p. 581.
[2] Ibid.
[3] Lodge's History of the English Colonies in America, p. 129.
[4] Scharf's History of Maryland, vol. ii. p. 98.

next, being the 6th of this instant July, will be performed 'The Busy Body,' likewise a farce called 'The Laying Varlet.' To begin preceisely at 7 o'clock. Tickets to be had at the printing office. No persons to be admitted behind the scenes." Box seats were sold for ten shillings; pit, seven shillings and six pence; gallery, five shillings. Each man sat in the theatre according to rank.[1]

The habits of the Marylanders were primitive and simple, but marked by large-hearted generosity and neighborliness. Boundless hospitality was everywhere found. Guests were always more than welcome, even when they came unexpected and uninvited. Small wonder those old-time planters kept a good table and lived like princes, when the rivers and bay teemed with fish and the forests swarmed with game: even venison could be had for the asking. They were fond of hard drinking, too, but they had the constitutions to stand it. A man who can hunt a fox across country thirty miles in one day can do almost anything.

(b) *Servants:* The indented servants belonged to what was called the servile class, as did also the slaves, convicts, and free-willers.[2] The indented servants, including the redemptioners, or free-willers, were immigrants, who, being unable to pay their passage to the province, contracted with a London or

[1] Scharf's History of Maryland, vol. ii. p. 98.

[2] Lodge's History of the English Colonies in America, p. 125.

Bristol merchant to serve for two, three, or four years after their arrival, either some specified person, or simply the assigns of the original contractor. In either case, if they disliked their employer, they had the privilege of choosing another.[1] The labor was not hard,—five and a half days a week in summer, and in winter as much free time as they liked for hunting. At the end of their term of service they became freemen, were given a year's provisions, tools, and clothing by their masters, and could take up fifty acres of land. The women who came over in this way either became servants or were married by the planters.[2] According to Scharf, servants were very badly treated, so much so, indeed, that they often ran away. The penalty for running away from a master was accordingly made very severe.[3]

(c) *Convicts:* The colonists protested against the introduction of convicts, but to no avail, and Maryland was practically made a penal colony. Later, many of these convicts were persons implicated in Jacobite plots, and whose only crime was loyalty to the House of Stuart.[4] Convicts usually returned home after serving out their time, which was seven or fourteen years.[5]

[1] Browne's Maryland: The History of a Palatinate, p. 180.
[2] Ibid., pp. 180 and 181.
[3] Scharf's History of Maryland, vol. ii.
[4] Browne's Maryland: The History of a Palatinate, pp. 180 and 181.
[5] Scharf's History of Maryland, vol. ii. p. 55.

(d) *Slaves:* Negro slavery existed in Maryland from the earliest times, but it was not till the *Assiento* trade was placed by the Treaty of Utrecht, 1713, in the hands of England that it reached alarming proportions. All negroes in the province were slaves for life, but the laws of the province regulated the relations between master and servant, punishing excessive severity. In 1695 a duty of ten shillings per poll was imposed on all negroes imported into Maryland, and in 1704 this duty was raised to twenty shillings. The line between the whites and the negroes was very sharply drawn; the negroes even lived in different quarters at quite a distance from the master's house. Maryland was a slave-holding state at the outbreak of the Civil War, but opinions were so divided that she did not leave the Union.

(6) The Church and Clergy:

WHEN the first colonists came out they were accompanied by two Jesuit priests.[1] Father Andrew White has left us an interesting account of the voyage and the first years of the colony, also of his work among the Indians.[2] These good men carried on a splendid work among the colonists and Indians until the Jesuits were removed from the missions and prefect and secular

[1] Browne's Maryland: The History of a Palatinate, pp. 53 and 54.
[2] Ibid.

priests installed instead. This step of Lord Baltimore's was apparently cruel, but his usual wise forethought induced him to take it for the good of the colony. It was clearly not a blow aimed at the Catholics, as Lord Baltimore was himself a Romanist. The chief reasons were as follows: the grateful Indians had bestowed large tracts of land on the priests, which they had no right to do, as all the land belonged to the proprietary. Furthermore, the priests, living as they did in the wilderness, were disposed to claim obedience to the canon and ecclesiastical law only, putting themselves above the common law. This dealt a blow to the constitution of the province, which declared all men equal before the law. In England this same battle had been fought five hundred years before between Henry II. and Thomas à Becket, and the long struggle had finally ended in the assertion of men's equality before the law—a principle that is very dear to men of English race. Lord Baltimore was too much of an Englishman not to determine to prevent this at all costs. Looked at in this light, his action was not only necessary, but praiseworthy. He declared that no land should be held in mortmain in the province, and that no land should be granted to or held by any society or corporation, ecclesiastical or temporal, without special license from the proprietary. The policy of Lord Baltimore, which continued to be that of the government till 1689, was "the toleration of all Christian churches

and the establishment of none."[1] This policy was partly due to the wise and liberal views of the first proprietary, and partly to the fact that in the colony the Protestants were in the majority, and it was therefore impossible for the Catholics to be favored without causing a revolution, or, at the least, rendering the proprietary government most unpopular. All men were eligible for office. The only religious qualification necessary was belief in our Lord Jesus Christ. "These cherished principles of religious liberty were at length engrafted by law upon the government in 1649, and the act which gave them legal sanction is one of the proudest memorials of our colonial history."[2]

The way in which this liberty was overthrown and the results of that overthrow do not reflect so much credit on Maryland. The feeling of the Protestants in England over the arbitrary acts of James II. with regard to religion was reflected in that of the colonists. It naturally gave rise to a spirit of animosity on the part of the Protestant colonists to Catholics and also to the proprietary government. When William and Mary were proclaimed King and Queen of England, the proprietary sent word to have them proclaimed in Maryland. The messenger, however, never arrived, and the Protestants, thinking that the proprietary refused to acknowledge the new sover-

[1] McMahon's History of Maryland, p. 226.
[2] Ibid., pp. 226 and 227.

eigns because of their religion, rose in revolt. The revolution was led by an association calling itself "An association in arms for the Protestant religion and for asserting the right of King William and Queen Mary to the province of Maryland and all the English dominions."[1] Owing to the preponderance of Protestants in the province and the support of King William, the revolution was entirely successful and the proprietary government overthrown. For a short time the province was ruled by a convention, but in 1692 the royal government was established. A natural consequence was the introduction of the established church: the counties were divided into parishes and a poll-tax of forty pounds of tobacco was imposed for its support and the erection of churches.[2] In the moment of triumph the victors showed no mercy. The Catholics and Quakers were hated and persecuted alike. The Catholics were forced to pay a double land tax, their share of the church tax, and were excluded from any office of profit or emolument.[3]

When the Church of England was established a great many disputes arose through the fact that there were no bishops. No clergyman, however evil his life, could be displaced except by a bishop, and the rite of confirmation was never administered.[4]

[1] McMahon's History of Maryland, p. 237.
[2] Ibid., p. 243.
[3] Lodge's History of the English Colonies in America, p. 123.
[4] International Review, June, 1880, vol. viii. p. 578.

The majority of writers and the existing records testify to the immorality and vice of the clergy. In 1753 a visiting clergyman, Dr. Chandler, wrote to the Bishop of London that "the general character of the clergy is wretchedly bad. It is readily confessed that there are some in the provinces whose behaviour is unexceptionable and exemplary; but their number seems to be very small in comparison—they appearing here and there like lights shining in a dark place. It would really, my lord, make the ears of a sober heathen tingle to hear the stories that were told me by many serious persons of several clergymen in the neighbourhood of the parish where I visited; but I still hope that some abatement may be fairly made on account of the prejudices of those who related them."[1] The utter degradation of the Maryland clergy is hard to realize. They hunted, raced horses, drank, gambled, and were the parasites and boon companions of the wealthy planters. They extorted marriage fees from the poor by breaking off in the middle of the service and refusing to continue until they were paid. They became a byword in the other colonies, and every itinerant clergyman who was a low fellow and a disgrace to his profession passed under the cant name of a "Maryland parson." In 1734 a clergyman, always drunk and living out of his parish, was prosecuted by Commissary Henderson for having introduced as his lay reader his own

[1] Lodge's History of the English Colonies in America, p. 123.

clerk, a person who had been convicted of felony, and "this outcast of the prisons read the absolutions as if he had been a priest." The drunken rector threatened a lawsuit, and compelled the commissary to abandon the charges and finally to relinquish his office.[1]

This terrible state of affairs lasted for about a hundred years.[2] The result was the rapid spread of other denominations and also a rapid increase of unbelievers. From 1720 up to the Revolution there was bitter hostility between the people and the established church —hostility to the degraded Maryland church, not to the Church of England. The laws from 1692 almost all concern the church, and many of them impose unjust taxes on all members of the colony and of all sects for the support of these contemptible clergymen.[3] Taxes of tobacco for church buildings are abundant in Bacon's Laws.

The clergy and officials of the proprietary[4] were the only Tories in the province, and hatred of them was no small factor in creating a feeling of hostility towards the mother country, and in making Maryland join the ranks of the opposition in 1776.[5]

To say that all the Maryland clergy were dissolute and corrupt is much too sweeping a statement and should be considerably modified. There were many

[1] Scharf's History of Maryland, vol. ii. pp. 31 and 32.
[2] Ibid. [3] Ibid., vol. ii. pp. 32 and 33.
[4] Lodge's History of the English Colonies in America, p. 124.
[5] Ibid.

clergymen who led godly lives, and, like the parson in Chaucer's "Canterbury Tales," "Christes lore and his apostles twelve, he taughte, but first he folwede it himself."

(7) Education:

EDUCATION was not the strong point of colonial Maryland, but many writers have given her less credit than she really deserves. The lower classes, as a whole, were uneducated, but the children of the wealthy planters were taught, usually, by a private tutor. When they could afford it they sent their sons to be educated in England, and sometimes to France. As a people they were inclined to disdain education, and it was natural in days when men were chiefly engaged in making homes for themselves in the wilderness. During the first period of proprietary government there were no free schools, but in 1676 an act[1] provided that "place or places for a free school, or place of study of Latin, Greek, writing, and the like, consisting of one master, one usher, and one hundred scholars, more or less, according to the ability of the said free school, may be made, erected, founded, propagated, established under your royal patronage." This act was addressed to William III. of England.

[1] Riley's Ancient City, p. 77.

The first and most famous of the schools was King William's School at Annapolis. In 1701 the schoolhouse was completed. It was built of brick and contained, besides school-rooms, apartments for the teacher and his family. By the act of 1785 the property and funds of King William's School were conveyed to St. John's College.[1]

The free schools were never very popular, probably because they were under church control. According to Scharf[2] the schoolmasters were on a par with the clergy as far as morals were concerned. "They had Latin and Greek enough, perhaps, but were of the hedge priest class, drunken in habits, severe and capricious in discipline, and teaching in a rude, irregular way." Of course, there were many and notable exceptions, as is also the case with regard to the clergy.

) Cities and Towns:

MARYLANDERS were very much averse to towns. Being an agricultural people living on their own farms, and passionately fond of freedom, they needed plenty of room and fresh air in which to develop.

At first the ships unloaded and reloaded at the

[1] Scharf's History of Maryland, vol. ii. p. 27.
[2] Ibid.

planters' own doors; but when the plantations were established in the interior, the planters realized that it was necessary for the province to have a port.[1] St. Mary's and Annapolis were the only real towns of the colony for the first ninety years of its existence. Joppa, on the Gunpowder, was prosperous for about fifty years. In 1729 the assembly passed an act, at the solicitation of the planters, authorizing the purchase of the necessary land. Daniel and Charles Carroll immediately bought sixty acres at the part of the harbor now called the Basin, at forty shillings an acre. The following January the lots were laid off and put on sale. Those on the water front were sold right away, as was natural, seeing it was founded in the interest of commerce.[2] This town was called Baltimore for obvious reasons, but it seems not to have been the first of its name. In 1683 a Baltimore was laid off on Bush River, in Baltimore County, and in 1693 one in Dorchester County. These have no history; if they ever existed, all traces of them have entirely disappeared, and no records exist.[3]

Baltimore owes its origin and much of its present prosperity to the grain trade.[4]

The rural character of the colony is well illustrated by this dearth of towns, and even at the present day Baltimore is the only large city in Maryland.

[1] Browne's Maryland: The History of a Palatinate, pp. 209–211.
[2] Ibid., p. 211.
[3] Colonial Life in Maryland, International Review, June, 1880.
[4] Lodge's Short History of the English Colonies in America, p. 127.

(9) Methods of Travel and Means of Communication:

TRAVEL during the colonial period was by no means the easy matter that it is to-day, and was only indulged in as a matter of necessity. It was not only difficult, but dangerous; the roads, winding through thick woods, exposed the travellers to attacks by Indians.[1] People usually travelled on horseback, though post-chaises with horses and servants could be hired.[2]

Travelling in the interior was made still more disagreeable by the wretched accommodations, the inns being extremely poor, the food furnished by them so bad that it could not be eaten, and the rooms were very dirty and uncomfortable.[3]

As the first settlements were along the bay and rivers, most of the travelling was done by water. Gradually there developed types of craft for that purpose—small, fast-sailing vessels, which now survive in the buckeye and sailing canoe.[4]

Among the special bay craft were also pinnaces and light "pungies." Almost every plantation had water

[1] Henry Cabot Lodge, foot-note, Barnaby, p. 73.

[2] International Review, June, 1880.

[3] Ibid.

[4] Fisher's Men, Women, and Manners in Colonial Times, pp. 183 and 184. VOL. II.

communication with its neighbor, and ships from England, loaded and unloaded, lay at the planter's own wharf.[1]

The horses were small and wiry and many of them ran wild in the swamps and woods.[2] All trade, which was not very extensive, was carried on by water, chiefly with the New England states.[3]

(a) *Roads:* The roads were all ill-kept, narrow, and obstructed by gates, not even permitting two vehicles to pass one another.[4] Though attempts were made from time to time to improve the roads, most of them were mere trails or bridle-paths.[5] In 1704 a curious law was passed which provided that "any road leading to Annapolis should be marked on both sides with two notches on the trees, and where it left another road, with the letters A. A. cut into a tree. Roads on the Eastern Shore that led to Port William-stadt, now Oxford, to be marked in the same way with the letter 'W.' Roads which led to county court-houses were to have two notches and a third some distance above. Roads leading to ferries were to have two notches all along, and where they turned aside from other roads, three notches at equal distances from each other. Where a road turned off to

[1] Browne's Maryland: The History of a Palatinate, p. 162.
[2] Ibid.
[3] Lodge's History of the English Colonies in America, p. 122.
[4] Scharf's History of Maryland, vol. ii. p. 96.
[5] Fisher's Men, Women, and Manners in Colonial Times.

a church, it was to be marked with 'a slip cut down the face of the tree near the ground.'"[1]

In 1666 the assembly of Maryland passed "an act for marking highways and making the head of rivers, creeks, branches, and swamps passable for horse and foot."[2]

In 1704 the general assembly enacted that all public and main roads be cleared and grubbed and fit for travelling twenty feet wide.[3] The best roads were all due to private enterprise.[4]

(b) *Rolling Roads:* The planters who had water fronts cut narrow roads through the forest to take their tobacco to the coast. The tobacco was put in hogsheads and an axle was run through them, so that they could be rolled or drawn by a horse or an ox, hence the name "rolling roads."[5] Many of these roads are in existence at the present day and still go by their old names.[6]

(c) *Post-Roads and Routes:* There were very few post-routes, and those were chiefly maintained by private enterprise.[7] In 1695 a post to Philadelphia was

[1] Fisher's Men, Women, and Manners in Colonial Times.
[2] Scharf's History of Maryland, vol. i. p. 374.
[3] Ibid. [4] Ibid., vol. ii.
[5] Lodge's History of the English Colonies in America, p. 118.
[6] Browne's Maryland: The History of a Palatinate, p. 162; Fisher's Men, Women, and Manners in Colonial Times.
[7] Scharf's History of Maryland, vol. ii. p. 96.

started.[1] The Conestoga wagon was the means of communication between Baltimore, Harrisburg, Frederick, Hagerstown, etc., while these outlying places in their turn were brought into intercourse with the backwoods and the wilderness by means of strings of pack-horses.[2] The intercourse of Baltimore with the North was maintained by the quickest route, *via* Newcastle and Rock Hall. This route was owned by a Kinnard and a Hodges. Though the post-routes were so few and wretched, still competition was not lacking. Henry Callister threatened opposition to a Tilghman who owned the Kent Island post-route unless it were better managed.

It is a curious coincidence that these old post-routes ran just where the turnpikes and railroads of the present day are built, a circumstance which speaks well for the engineering abilities of the colonists.[3]

(d) *Vehicles:* People of consequence all had their coaches, mostly of English build, with four horses attached, the leaders mounted by liveried postilions. In Annapolis ladies used sedan chairs for visiting, but two or three were probably enough for the whole town. Public conveyances were large, springless, open wagons, hung with leather or woollen curtains. Though they had coaches, etc., their favorite mode

[1] Lodge's History of the English Colonies in America, p. 131.
[2] Scharf's History of Maryland, vol. ii. p. 96.
[3] Ibid., pp. 97 and 98.

of travel was on the horse, owing, perhaps, to the character of the roads. Ladies even rode to balls on horseback, wearing riding-habits over their ball-dresses. No wonder visitors were so welcome and their visits appreciated in the days when travel meant such an undertaking. Now we think nothing of a trip across the Atlantic or across the continent, and we are disposed to marvel at our stay-at-home ancestors, wondering how they stood it. We understand better, however, when we think of all travelling entailed in those days; danger and discomfort were its chief characteristics, as is luxury at the present day.[1]

(10) Finance:

IN the early colonial period trade was chiefly carried on by barter, and with the Indians by means of shell money, *peak* and *roenoke; peak* was made from conch-shell, and was of much more value than *roenoke*, which was made from cockle-shell.[2] Beads were an essential article for traffic with the Indians, so much so, indeed, that the colonists of Virginia in 1621 set up a bead manufactory. Before

[1] Lodge, Carriages Light and Handsome.

[2] Bozman, vol. ii. p. 77; also Scharf's History of Maryland, vol. i. p. 273.

the coming of the Europeans the Indians had made their own beads in a rude and primitive sort of way. Perforated and strung upon strings, they were highly polished and of variegated colors. But tobacco, as the chief staple of the province, soon became the currency, or chief medium of exchange. When the cultivation of tobacco became extended, the currency[1] depreciated, as a matter of course, causing great distress and inconvenience to the colonists. "All dealings were founded upon it (tobacco), debts, rents, fines, salaries, levies, all were paid in tobacco, and in tobacco all accounts were kept."[2] The great need of a metal currency was felt throughout the province. Finally, after the assembly had discussed ways and means, the proprietary was appealed to. In response to this appeal, Lord Baltimore sent out specimens of a shilling, a sixpence, and a groat on approval.[3] These were satisfactory, but, owing to Fendall's Rebellion, Lord Baltimore's project was deferred. In 1661 the assembly passed an act asking the proprietary to set up a mint in the province. This he refused to do, and, instead, sent out a supply of coin.[4] To secure its circulation, the currency was established at nine pence to a shilling, instead of twelve, as in England, and the people were ordered to buy ten shillings per poll of their taxables of this

[1] Scharf's History of Maryland, vol. i. p. 273.
[2] Browne's Maryland: The History of a Palatinate, p. 114.
[3] Ibid., pp. 115 and 116.
[4] Ibid., pp. 115 and 116.

coin and pay for it in good casked tobacco at two shillings per pound.[1] This act was repealed in 1676, but the history of Maryland is marked by many arbitrary acts as regards currency, which had the effect of rendering the people discontented. The institution of this metal currency did not, however, free the people from the evils of an over-production of tobacco. Finally, a solution of the difficulty was thought to have been found when the cessation of planting for one year was proposed. An agreement was come to between Maryland, Virginia, and Carolina by which they were to cease planting for one year. The proprietary objected, and the subject was dropped.[2]

"In 1708 the rates of exchange, always fluctuating with the varying value of the staple, were arbitrarily set by law."[3] In 1733 paper money to the value of ninety thousand pounds, American currency, was issued, which was more than the province needed. While they had the actual currency, tobacco, in hand all the time, they were paying thirty-three and a half per cent. premium on this loan, and were obliged to take the bills at a discount for home use.[4] Tobacco was always the most stable currency of the province, and had the Marylanders stuck to it, they would probably have fared better.

[1] Scharf's History of Maryland, vol. ii. p. 35.
[2] Browne's Maryland: The History of a Palatinate, p. 117.
[3] Scharf's History of Maryland, vol. ii. p. 35.
[4] Ibid., vol. ii. p. 36.

(11) Famous Men:

BEFORE forming an opinion as to the merits or demerits of the life and institutions of colonial Maryland, it is just as well to glance at the great men which they produced. A people that all through the colonial period were remarkable for their shrewdness and commercial ability naturally made good lawyers. It is thus to the law that we must look to find those names greatest in the annals of the province and the state, such names as those of the two Dulanys, the Tilghmans, the Taskers, the Howards, Hansons, Bordleys, Luther Martin, Pinkney, Wirt, Charles Carroll, the barrister, and Chief-Justice Taney. Charles Carroll, of Carrollton, deserves mention as one of the signers of the Declaration of Independence, and as the richest man in America at the outbreak of the Revolution. The church boasts a name which she may well be proud of, that of Archbishop Carroll. We must not omit the name of the worthy Jesuit priest, Father Andrew White, who did such a splendid work in the early days of the colony.

Any work on Maryland, however brief, would hardly be complete without a short sketch of the Calverts, the founders, owners, and rulers of the province. Though not natives of the province, still their histories and that of Maryland are so closely connected

that they deservedly claim a place in the ranks of her famous men.

George Calvert, the first Lord Baltimore, was a man of sterling qualities. Wise, God-fearing, and broad-minded, he managed to keep himself free from stain in the most dissolute court of Europe. He, a court favorite in the days when the term "court favorite" was a synonym of everything contemptible, was loved and respected by all. When he became a convert to the Roman Catholic faith, he bravely avowed it in the teeth of the Protestant court. Maybe you do not consider this a brave action; but it cost Lord Baltimore a good deal; he had to resign his high offices, but the king remained true to him. Unfortunately, he died before receiving the grant of Maryland, and it was given, instead, to his son, Cæcilius Calvert, the worthy son of a worthy father. He inherited with his father's good qualities his ideas as to the foundation and government of the province. His firm and beneficent rule was a blessing to Maryland, and under it she prospered and grew rapidly. The son and successor of Cæcilius, Charles Calvert, was a very fine man, but his lack of self-control was continually getting him into trouble with the English government. From this time on the Calverts in each generation became more and more degenerate, till we come to the last and worst of his race, Frederick, sixth Lord Baltimore.

Maryland was very fortunate in having for rulers

men of such wisdom, firmness, justice, and moderation as her first proprietaries, who secured their own rights without infringing on the liberties of the colonists.[1]

[1] Browne's Maryland: The History of a Palatinate, p. 126.

L. of C.

Summary

IT has not been my purpose to even attempt to relate the history of Maryland as a palatinate, which has already been done in so admirable a way by Professor William Hand Browne; my efforts have all been directed towards a general view of Maryland during the palatinate period. Like the English counties, palatine Maryland was organized on feudal lines, ruled by a lord proprietary, a king in everything but name, who owed allegiance only to his over-lord, the King of England. The founders of the province, being Englishmen, modelled the institutions of Maryland as closely as possible on those of the mother country. The common, and to a certain extent the statute, law of England was then, as it is now, the foundation of Maryland law. The system of land tenure was also derived from feudal England. Education was never very highly valued, but in spite of lack of sympathy from the people, the government instituted free schools governed by the church. We find the clue to much of their unpopularity in this last fact: the clergy, dissolute and immoral as they were, could not fail to excite the hatred and disgust of the colonists.

Maryland was distinctly an agricultural province, kept so by the policy of the English government,[1]

[1] McMahon's History of Maryland.

and the growth of towns was therefore slow and not encouraged by the colonists themselves. The English government, pursuing the selfish policy which she always followed towards the colonies, refused to let the Marylanders set up any manufactories. This was, no doubt, in order to secure a market for goods of British manufacture, and to secure a monopoly of the colony's trade.[1] In spite of this short-sighted policy Maryland grew steadily in wealth and population, and from a small colony to a great, self-governing state. We have shown how peace and brotherly love prevailed until 1692, when the long dormant but not extinct volcano, religious hatred, had a violent eruption and the Catholics were driven to the wall. The intolerant behavior of the Protestant victors and the disgraceful character of the Church of England clergy are matters of history, but certainly painful to those to whom the fair fame of Maryland is dear.

A splendid, stalwart race of men they were, these early settlers of Maryland, going undauntedly out into the wilderness to make homes where their children might be free. Their history was singularly peaceful. They directed their energies to the conquering of nature, not to the slaying of their fellowmen, surely a nobler warfare. We have only to look at the history of the Revolution to see of what stuff these old Marylanders were made. Any state should be proud to have them for its founders.

[1] McMahon's History of Maryland.

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